

in relation to this proposed rule. If USEPA receives adverse comments or a public hearing request, the direct final rule will be withdrawn. If a public hearing is requested, USEPA will extend the public comment period for 30 days following the public hearing. Any parties interested in commenting on this notice should do so at this time. If a request for a public hearing is received, USEPA will publish a document in the **Federal Register** announcing a public hearing. The final rule on this proposed action will address all comments received.

**DATES:** Comments on this proposal must be received by September 20, 1995. A public hearing, if requested, will be held in Chicago, Illinois. Requests for a public hearing should be submitted to J. Elmer Bortzer by September 20, 1995.

**ADDRESSES:** Written comments and requests for a public hearing on this proposed action should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Comments should be strictly limited to the subject matter of this proposal.

**DOCKET:** Pursuant to section 307(d)(1)(B) of the Clean Air Act (Act), 42 U.S.C. 7607(d)(1)(B), this action is subject to the procedural requirements of section 307(d). Therefore, USEPA has established a public docket for this action, A-95-14, which is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at the following addresses. We recommend that you contact Steven Rosenthal before visiting the Chicago location and Rachel Romine before visiting the Washington, D.C. location. A reasonable fee may be charged for copying.

The United States Environmental Protection Agency, Region 5, Regulation Development Branch, Eighteenth Floor, Southeast, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886-6052.

United States Environmental Protection Agency, Docket No. A-95-14, Air Docket (LE-131), Room 1500, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460, (202) 245-3639.

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct

final rule published in the rules section of this **Federal Register**.

Dated: August 7, 1995.

**Carol M. Browner,**

*Administrator.*

[FR Doc. 95-20648 Filed 8-18-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Parts 52 and 61

[ND6-1-6534b, ND2-1-6064b; FRL-5261-7]

#### Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revisions to the Air Pollution Control Rules

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State implementation plan (SIP) revisions submitted by the State of North Dakota with letters dated June 26, 1990, June 30, 1992, and April 29, 1994. The revisions address air pollution control rules regarding general provisions; emissions of particulate matter and organic compounds; new source performance standards (NSPS); national emission standards for hazardous air pollutants (NESHAPs); construction and operating permit programs; prevention of significant deterioration (PSD) of air quality; and control of emissions from oil and gas well production facilities. The April 29, 1994 submittal also addressed the following two issues which will be acted on in separate documents: Revisions to the PSD rules with respect to PM<sub>10</sub> increments; and revisions to the visibility monitoring chapter of the SIP. Further, EPA is proposing to approve the State's construction permit and federally enforceable State operating permit (FESOP) programs under section 112(l) of the amended Clean Air Act (Act) for the purposes of creating federally enforceable permit conditions for sources of hazardous air pollutants (HAPs).

In the Final Rules Section of this **Federal Register**, EPA is acting on the State's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for EPA's actions is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated and the direct final rule will become effective. If EPA receives adverse comments, the direct final rule will be withdrawn and all public

comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by September 20, 1995.

**ADDRESSES:** Written comments on this action should be addressed to Amy Platt, 8ART-AP, at the EPA Regional Office listed below. Copies of the State's submittal and documents relevant to this proposed rule are available for inspection during normal business hours at the following locations: Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2405; and North Dakota State Department of Health and Consolidated Laboratories, Environmental Health Section, 1200 Missouri Avenue, Bismarck, North Dakota, 58502-5520.

**FOR FURTHER INFORMATION CONTACT:** Amy Platt, Environmental Protection Agency, (303) 293-1769.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: July 14, 1995.

**Jack W. McGraw,**

*Acting Regional Administrator.*

[FR Doc. 95-20602 Filed 8-18-95; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 300

[FRL-5281-2]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent To Delete Woodbury Chemical Site from the National Priorities List; request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region IV announces its intent to delete the Woodbury Chemical Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability

Act (CERCLA) of 1980, as amended. EPA and the State of Florida Department of Environmental Protection (FDEP) have determined that the Site poses no significant threat to public health or the environment and therefore, further response measures pursuant to CERCLA are not appropriate.

**DATES:** Comments concerning this Site may be submitted on or before: September 20, 1995.

**ADDRESSES:** Comments may be mailed to: Joe Franzmathes, Director, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE, Atlanta, Georgia 30365.

Comprehensive information on this Site is available through the Region IV public docket, which is available for viewing at the Woodbury Chemical information repositories at two locations. Locations, contacts, phone numbers and viewing hours are:

U.S EPA Record Center, attn: Shannon Neal, 345 Courtland Street, NE, Atlanta, Georgia 30365. Phone: (404)347-0506. Hours: 8:00 a.m. to 4:00 p.m., Monday through Friday By Appointment Only.

South Dade Regional Library, 10750 SW 211th Street, Cutler Ridge, Florida 33189, Phone: (305)233-8140. Hours: 9:30 a.m. to 9 p.m., Monday through Thursday 9:30 a.m. to 6 p.m., Friday and Saturday.

**FOR FURTHER INFORMATION CONTACT:** Barbara Dick, U.S. EPA Region IV, Mail Code: WD-SSRB, 345 Courtland Street NE, Atlanta, Georgia 30365, (404)347-2643 x6273.

#### **SUPPLEMENTARY INFORMATION:**

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- I. Introduction
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- IV. Basis for Intended Site Deletion

#### **I. Introduction**

The EPA Region IV announces its intent to delete the Woodbury Chemical Site, Princeton, Florida, from the NPL, which constitutes Appendix B of the NCP, 40 CFR Part 300, and requests comments on this deletion. EPA identifies sites on the NPL that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA proposes to delete the Woodbury Chemical Site at 13690 S.W. 248th Street (Coconut Palm Drive), Princeton, Florida 33032 from the NPL.

EPA will accept comments concerning this Site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how this Site meets the deletion criteria.

#### **II. NPL Deletion Criteria**

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR Section 300.425(e), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making this determination, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

- (i) Responsible or other parties have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further action by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

If a site is deleted from the NPL where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of this Site, where hazardous substances are not above levels that allow for unlimited exposure and future access does not require restriction, five-year reviews and operation and maintenance activities will not be conducted. However, if new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazardous Ranking System.

#### **III. Deletion Procedures**

EPA will accept and evaluate public comments before making a final decision on deletion. The following

procedures were used for the intended deletion of the Site:

- 1. FDEP has concurred with the deletion decision;
- 2. Concurrently with this Notice of Intent, a notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials and other interested parties announcing a 30-day public comment period on the proposed deletion from the NPL; and
- 3. The Region has made all relevant documents available at the information repositories.

The Region will respond to significant comments, if any, submitted during the comment period.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management.

A deletion occurs when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect any deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary, if any, will be made available to local residents by the Regional office.

#### **IV. Basis for Intended Site Deletion**

The following site summary provides the Agency's rationale for the intention to delete this Site from the NPL.

The five-acre Woodbury Chemical Site in southeast Dade County has been the location of the Woodbury Chemical Company since 1975. The Woodbury Chemical Company has been engaged in the formulation, distribution and sale of fertilizers and pesticides since 1959. Operations were initiated in Goulds, Florida, three miles northeast of Princeton. Prior to 1975, the Site was the location of a tomato and potato packing house and a labor camp for migrant farm workers.

During the late 1970's, when pesticides were being formulated at the Woodbury Chemical Company, an above-ground toxaphene tank leaked or spilled the pesticide onto the ground. In January 1979, a Dade County Department of Environmental Resources Management (DERM) official filed a formal complaint against S&M Farm Supply Company, located on the Site, charging them with causing excessive levels of nitrates in drinking water wells located upgradient of, downgradient of, and within the Site. The S&M Farm Supply Company was the parent of Woodbury Chemical Company.

Since 1980, State and Federal officials have conducted investigations at the site. Due to potential groundwater

contamination, the Woodbury Chemical Site was proposed for the NPL in June 1988 and was placed on the final List in August 1990. In January 1990, Woodbury Chemical Company under EPA's and DERM's oversight removed the toxaphene-contaminated soil in the area of the previously-mentioned spill.

In 1992, EPA completed the Remedial Investigation (RI) which encompassed a study of the soil, sediment, and groundwater. Onsite soils contained primarily low levels of pesticides and chromium, while offsite soils contained pesticides and arsenic. Except for nitrates, groundwater contamination was mainly limited to pesticides, arsenic, and chromium in offsite locations. Nitrates were detected in every groundwater sample collected. Their widespread presence is most likely due to the heavy use of fertilizers in the area and is not due to activities at the Site. Arsenic was also determined not to be Site-related due to its presence along the railroad, indicating its source as the arsenic-based herbicides that were historically sprayed by the railroad.

In 1992, EPA conducted a Risk Assessment for the Site to evaluate the public health and environmental problems that could result if the Site were not remediated. The results of the RI and the Risk Assessment indicated that the 1990 removal of toxaphene-contaminated soils at the Woodbury Chemical Site reduced the risk from exposure to Site-related contaminants in the soils to levels which are protective of human health and the environment. On June 25, 1992, EPA signed a Record of Decision (ROD) for the Woodbury Chemical Site.

The ROD called for No Further Action on the soil at the Site. The ROD also stated that No Action was necessary for the groundwater. The ROD determined that no hazardous substances, pollutants, or contaminants were present on the Site above health-based levels and that the five-year review was not warranted. However, because the potential future risk from exposure to the groundwater at the Site was close to the level at which EPA may consider taking action, the groundwater at and around the Site was designated for quarterly monitoring for one year. The purpose of the monitoring was to confirm that the few samples collected during the RI which contained contaminants above drinking water standards were not indicative of a release of contaminants from the Site.

Confirmational monitoring of groundwater demonstrates that no significant risk to public health or the environment is posed by the Site. The

results of the monitoring confirmed that the few groundwater samples collected during the RI which contained contaminants above drinking water standards were not indicative of a release of contaminants from the Woodbury Chemical Site. All Site contaminants were below health-based levels. Due to the removal of toxaphene-contaminated soils, hazardous substances have been removed from the Site so as to allow for unlimited use and unrestricted exposures within the Site, the Site is protective of public health and the environment, and no further remedial action is needed at the Site. Accordingly, EPA will not conduct operation and maintenance activities or five-year reviews at this Site.

EPA, with concurrence of FDEP, has determined that all appropriate actions at the Woodbury Chemical Site have been completed, and that no further remedial action is necessary. Therefore, EPA is proposing deletion of the Site from the NPL.

Dated: August 8, 1995.

**Patrick M. Tobin,**

*Acting Regional Administrator, USEPA Region IV.*

[FR Doc. 95-20541 Filed 8-18-95; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 46 CFR Part 16

[CGD 95-011]

RIN 2115-AF02

#### **Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel; Removal of Foreign Implementation Date**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to remove the effective date of regulations governing drug testing onboard vessels within waters that are subject to the jurisdiction of a foreign government, and to amend the regulations to expressly provide that U.S. drug testing requirements do not apply within those waters. Under current regulations, the drug testing regulations would become applicable within those waters effective January 1, 1996. This proposal would ensure that Coast Guard drug testing regulations will not conflict with foreign law or policy and would result in no change to the current applicability of the drug testing requirements. This

action would result in no costs to the regulated industry.

**DATES:** Comments must be received on or before October 20, 1995.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA/3406) (CGD 95-011), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Mark Grossetti, Project Manager, Marine Investigation Division (G-MMI), Office of Marine Safety, Security and Environmental Protection, (202) 267-1421.

#### **SUPPLEMENTARY INFORMATION:**

##### **Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 95-011) and the specific section of this proposal to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no longer than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES." The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

##### **Drafting Information**

The principal persons involved in drafting this document are LCDR Mark